



DEPARTMENT OF THE NAVY
NAVAL MEDICAL COMMAND
WASHINGTON, D.C. 20372-5120

IN REPLY REFER TO

NAVMEDCOMINST 5370.2
MEDCOM-09IR
5 Jul 89

NAVMEDCOM INSTRUCTION 5370.2

From: Commander, Naval Medical Command

Subj: NAVAL MEDICAL COMMAND HOTLINE PROGRAM

Ref: (a) SECNAVINST 5370.5A
(b) SECNAVINST 5370.2J
(c) SECNAVINST 5214.2B

Encl: (1) Definitions
(2) Quality Assurance Standards for Hotline Investigations
(3) Sample Hotline Completion Report
(4) Sample Hotline Progress Report

1. Purpose. To assign responsibilities and establish procedures to manage, coordinate, investigate, and report the Naval Medical Command Hotline Program for Commander, Naval Medical Command (COMNAVMEDCOM) headquarters and subordinate activities.

2. Cancellation. NAVMEDCOMINST 5430.2

3. Background. The Department of Defense (DOD) and Navy hotlines, implemented by reference (a), are designed to strengthen and focus efforts to combat fraud, waste, mismanagement, and abuse of resources throughout the DOD and Navy. The Naval Medical Command Hotline Program is intended to support those efforts.

4. Definitions. See enclosure (1).

5. Policy

a. COMNAVMEDCOM policy is to manage effectively all resources entrusted to its care. COMNAVMEDCOM is totally committed to eliminating fraud, waste, and mismanagement in all its programs and operations.

b. The hotline programs represent significant corrective mechanisms to be used in this vital effort to combat fraud, waste, mismanagement, and related improprieties. Prompt, responsive, and impartial action will be taken to examine substantive allegations, to pursue corrective measures following applicable laws, regulations, and directives, and to report the result of such inquiries via the chain of command.



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6. Action

a. The Naval Inspector General, in most instances, will refer DOD and Navy hotline allegations involving medical facilities or Medical Department personnel to COMNAVMEDCOM to investigate. After review and a preliminary analysis of the allegation, COMNAVMEDCOM will normally task the chain of command to conduct an inquiry. Activities conducting an inquiry will report their findings to COMNAVMEDCOM via the chain of command.

b. COMNAVMEDCOM may conduct an independent investigation of hotline allegations when deemed necessary to ensure independence.

c. Echelon 3 commands must establish hotlines within their area of responsibility, widely publish the telephone number, and ensure written procedures for processing hotline referrals are established.

7. Procedures

a. COMNAVMEDCOM will normally task echelon 3 commands to conduct an inquiry into hotline allegations affecting activities or personnel reporting to that command. Further retasking is discretionary, however, the quality assurance standards described in enclosure (2) must be met.

b. COMNAVMEDCOM will review and analyze all interim and final reports of examination to ensure that all aspects of the Defense and Navy hotline complaint were addressed fully, examinations were conducted properly, and appropriate corrective or punitive measures were taken based on the examination findings.

c. Lower echelon commands tasked with responding to hotline allegations will forward the results of the inquiry via the chain of command for review following enclosure (3). Each reviewing echelon is responsible for ensuring the inquiry meets the quality assurance standards in enclosure (2). The quality assurance review will be documented in the forwarding endorsement.

d. When a suspense date for a hotline inquiry cannot be met, a progress report will be forwarded via the chain of command following enclosure (4). The progress report will document current status of the inquiry, intended course of action, and a reasonable date of completion. Information must be provided to show cause why the the original suspense date cannot be met.

8. General Provisions

a. Investigative files must be available for quality assurance reviews by COMNAVMEDCOM staff to ensure that hotline investigations were handled properly and that the findings and conclusions of the examiners are fully supported by the documentation contained in the investigator's files.

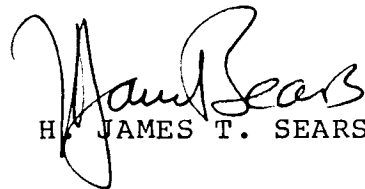
b. Echelon 3 commands are responsible for ensuring that professionalism and organizational independence are observed at all times and that investigations of allegations are conducted impartially and objectively.

9. Report Exemption. The requirements contained in paragraph 6 are exempt from reports control by reference (c), part IV, paragraph G8.

10. Forms

a. OPNAV 5040/3 (7-87), DOD/Navy Hotline Posters (11"x14" non-adhesive), S/N 0107-LF-050-4030 and OPNAV 5040/4 (7/87), (8 1/2" x 11" adhesive backed), S/N 0107-LF-050-4040, are available from the COG 1I stock points of the Navy Supply System and can be ordered per NAVSUP P-2002.

b. Naval Medical Command Hotline Posters are available from COMNAVMEDCOM (MEDCOM-09IR).


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Distribution:
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DEFINITIONS

1. Abuse. Intentional or improper use of Government resources. Examples include misuse of grade or rate, position, or authority or misuse of resources such as tools, vehicles, or hospital equipment.
2. Fraud. Any intentional deception designed to deprive the United States unlawfully of something of value or to secure from the United States for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Such practices include, but are not limited to, the offer, payment, or acceptance of bribes or gratuities, making false statements, submitting false claims, using false weights or measures, evading or corrupting inspectors or other officials, deceit either by suppressing the truth or misrepresenting material fact, adulterating or substituting materials, falsifying records and books of accounts, arranging for secret profits, kickbacks, or commissions, and conspiring to use any of these devices. The term also includes conflict of interest cases, criminal irregularities, and the unauthorized disclosure of official information relating to procurement and disposal matters.
3. Inquiry. An informal administrative investigation or gathering of information through interview or interrogation rather than by inspection or study of available evidence. An inquiry does not preclude the gathering of available documentary evidence.
4. Mismanagement. A collective term covering acts of waste and abuse. Extravagant, careless, or needless expenditure of Government funds or the consumption or misuse of Government property or resources, resulting from deficient practices, systems, controls, or decisions. Abuse of authority or similar actions that do not involve criminal fraud.
5. Preliminary Analysis. The activity necessary to determine if the allegation or information received warrants further examination, or lacks the credibility to merit additional action. The preliminary inquiry effort may be limited to interview of the source of the complaint or a reference provided in the allegation, or review of any readily available documentation or records relative to the complaint.
6. Waste. The extravagant, careless, or needless expenditure of Government funds, or the consumption of Government property that results from deficient practices, systems, controls, or decisions. The term also includes improper practices not involving prosecutable fraud.

QUALITY ASSURANCE STANDARDS FOR HOTLINE INQUIRIES

1. Standards. All substantive allegations referred through the hotline programs must be examined.

a. Independence

(1) In all matters relating to an investigation, the individual or the organization performing the inquiry must be free, in fact and in appearance, from all impairments to independence. This standard places the responsibility for maintaining independence upon the chain of command so that judgment used in obtaining evidence, conducting interviews, or making recommendations will in fact be impartial, as well as be viewed as impartial by knowledgeable third parties.

(2) There are circumstances in which investigators may experience difficulty in achieving impartiality based on official, professional, personal, or financial relationships that may affect the extent of the inquiry, limit disclosure of information, or weaken the investigation. Preconceived opinions or biases that relate directly or indirectly to a particular group or organization, and its objective or financial interest, also contribute to a lack of independence when conducting an investigation.

(3) Factors external to the individual can restrict the ability to conduct an independent, objective investigation. Interference in the assignment of cases, or personnel, and restrictions on funds or other resources otherwise available for the investigation may adversely affect objectivity. The authority to overrule or to influence the extent and thoroughness of the investigation and the content of the completion report or denial of access to sources of information also impact directly on the independence of the final report.

(4) The lack of independence can be attributed as well to an individual's or an organization's position within the chain of command. Since complete assurance of impartiality and objectivity is necessary, allegations must be examined by officials outside and independent of the operation specified in the complaint. To ensure full compliance with this requirement, the following clarification is provided. When the complaint alleges fraud or mismanagement in a discrete unit of a command, e.g., the Supply Department or the Security Division, and there is no indication that the commanding officer or other key management officials were

aware of or in some manner directly responsible for the alleged impropriety, referral of the complaint to the command concerned is acceptable. On the other hand, an allegation against a commanding officer investigated by his or her internal review staff, or anyone in his or her command, is unacceptable.

(5) In any investigation, independence is the key standard by which the inquiry will maintain its objectivity. Investigations which demonstrate a lack of independence will not be accepted by COMNAVMEDCOM, Naval Inspector General (NAVINSGEN), or DOD. Examination and inquiry relating to hotline allegations may be conducted by qualified analysts, inspectors, and investigators. The assistance of others with special professional or technical skills may be employed. This is necessary in investigations involving quality of care issues. The designated examiner must meet basic selection criteria, e.g., sufficient seniority, maturity, professional experience, and independence in the matter under inquiry, as would be if appointed for a Judge Advocate General Manual (JAGMAN) investigation.

b. Completeness

(1) Completion reports must thoroughly address all relevant aspects of the investigation. Progress and completion reports must clearly and concisely reflect the results of the investigator's efforts.

(2) In all reports, the facts must be straightforward to aid reader comprehension. A quality report will be logically organized, accurate, brief, clear, and make sense. All reports should clearly record or reference pertinent interviews and should reflect what the investigation accomplished. This information should include fines, savings, recoveries, indictments, convictions, proposed and actual suspensions or removal actions, management recommendations, or other actions taken directly as a result of the investigation.

(3) Reports must not pose questions which remain unanswered, nor leave matters open to question or misinterpretation. Reports should be no longer than necessary to clearly and accurately communicate the relevant findings. Systemic weaknesses or management problems disclosed in the investigation must also be reported.

c. Timeliness. Investigations are to be conducted and completion reports forwarded to COMNAVMEDCOM in a timely manner. COMNAVMEDCOM will refer all DOD and Navy hotlines promptly to the appropriate echelon 3 command. The organization or individual tasked with the investigation is responsible to ensure that the due date set by COMNAVMEDCOM is met.

d. Accountability

(1) Commanders and commanding officers must hold their subordinates accountable for their actions and correct organizational faults. Appropriate remedial measures must be taken against individuals found to have committed unlawful or inappropriate acts, or acts which have created the appearance of impropriety per reference (b). Such measures may be educational, corrective, administrative, or punitive and must always be appropriate and proportionate to the act.

(2) Legal counsel should be consulted to ensure that proposed remedial action is proper and lawful. The hotline completion report must contain a statement of all action taken. Where allegations are substantiated, failure to report action taken will preclude case closure by COMNAVMEDCOM.

SAMPLE
HOTLINE COMPLETION REPORT
AS OF ()

1. Name of Officials Conducting the Audit, Inspection, or Investigation
2. Grade or Rate of Officials
3. Duty Position and Contact Telephone Number of Officials
4. Organization of Officials
5. Hotline Control Number
6. Scope of Examination, Conclusions, and Recommendations

a. Identify the allegations, applicable organization and location, person or persons against whom the allegation was made, and dollar significance of actual or estimated loss or waste of resources.

b. Indicate the scope, nature, and manner of the investigation conducted (documents reviewed, witnesses interviewed, evidence collected, and persons interrogated). The report must reflect whether inquiries or interviews were conducted by telephone or in person. The identity of the interviewee need not be reflected in the report; however, this information must be documented in the officials field file of the examining agency. If individuals cited in the allegation are interviewed, the fact must be reflected in the report. The specific identity and location of pertinent documents reviewed, during the course of the investigation must be reflected in the report. Procurement history data must be reflected in those complaints of spare parts excessive price increases.

c. Report findings and conclusions of the investigating official. This paragraph may include program reviews made, comments as to the adequacy of existing policy or regulation, system weaknesses noted, and similar comments.

7. Criminal or Regulatory Violations Substantiated

8. Disposition. For investigations involving economies and efficiencies, report management actions taken in the final report. For investigations involving criminal or other

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Enclosure (3)

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unlawful acts, provide the results of criminal prosecutions including details of all charges and sentences imposed. Include the results of administrative sanctions, reprimands, value of property or money recovered, or other such actions taken to preclude recurrence.

9. Security Classification of Information. Each investigating organization must determine and state, when applicable, the security classification or information included in the report that might jeopardize national defense or otherwise compromise security if the contents were disclosed to unauthorized sources.

10. Location of Field Working Papers and Files

11. Cost of Conducting the Hotline Investigation

Manhours (officer, enlisted, secretarial)

Dollar Cost (travel, per diem, etc.)

Salaries

(military - use NAVCOMPTNOTE 7041 of 2 May 1988)

(civilian - actual hourly rate)

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SAMPLE
HOTLINE PROGRESS REPORT
AS OF ()

1. Applicable DOD Component. Department of the Navy.
2. Hotline Control Number
3. Date Referral Initially Received
4. Status
 - a. Name of organization conducting investigation.
 - b. Type of investigation being conducted.
 - c. Results of investigation to date (summary).
 - d. Reason for delay in completing investigation.
5. Expected Date of Completion
6. Action Agency Point of Contact (POC)
 - a. Name of POC.
 - b. Duty telephone number.

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Enclosure (4)